428 587x 587 431

against eɔto ɛ̂ ntsína, "relative of the base," therefore a close relative.

he must not only bring bekooli to the woman's parents but also give a bompáŋgá called nsǎsangɔ́ or bosangɔ́jwá a goat, a dog, or 5 to 10 copper rings, depending on the circumstances) to the heir. This is not part of the bride price, which is a payment to the woman's family. It is a gift intended to assuage the feelings of the heir and to secure or strengthen his good will. It is equivalent to a request for permission to cohabit with this woman and to profit by her work.

428 587

Thus we must distinguish between two types of marriage by inheritance:

1) The new husband and heir belongs to the immediate family of the deceased; he is eɔto ɛ̂ ntsína -- a son, brother, uncle, nephew, or cousin.

2) The new husband and heir is distantly related; he is eɔto ɛ̂ nsɔ́ŋgɛ́.

In the first instance the marriage is considered fairly stable and difficult to break, but nevertheless more easily dissolved than a marriage by nkumbɔ́. With how much difficulty it is dissolved depends on the degree of kinship. The reason given by the Nkundɔ́ for the greater ease with which such a marriage is broken is that the heir-husband did not himself pay the bride price; he only received the woman from someone else. Thus, if he no longer wants her, he justifies sending her away by saying, "It was not I personally who paid your bride price." For her part, the woman will invoke the same reason, mutatis mutandis. In all other respects the union is like a marriage by nkumbɔ́. Therefore, [192] when the woman leaves her husband the term kɔ́fa is used here as in the case of a marriage by nkumbɔ́.

428 587 471

The second type of marriage by inheritance is clearly different from the first. The new husband is not a husband from the legal standpoint; he is only a husband in the improper sense, physically. In spite of the nsǎsangɔ́ paid by the common-law husband, the legitimate heirs, hence the close kin of the deceased, especially the relative who was entitled to the woman and to whom she was given when the

471/587/428 inheritance was divided, remain her masters. This is apparent from all the consequences resulting from the situation:

1) Children born of the union belong, not to their natural father, but to the owners of the woman, the bankɔ́lɔ́. They are the ones who will eventually consent to the children's marriages and receive their bride prices. They alone have the right to give the [553] children a name.

2) The man functioning as husband has only partial rights to the results of the woman's activities. Thus, if she finds a treasure buried in her field, captures a fleeing slave, or finds any valuable object that has been abandoned or lost and whose owner is not known, such as, for example, rings, objects of worked metal, elephant tusks, etc., these will not belong to her husband, as they would in a marriage by nkumbɔ́, but to the masters. The latter are also entitled to a part of the fruits of her labor: fish, caterpillars, and even food she has prepared.

3) If, on some occasion or other, the new husband wishes to make a gift or a payment to the woman's family, he has to request the intervention of the husband-owner. He therefore asks the latter to accompany him, saying: ɔ́ndakɛ́ likílɔ́, "make me acquainted with my parents-in-law; introduce me to them." They go there with the ndonga.

428/587 It may even happen that the bosɔ́ngo has not been paid yet and that the common-law husband has the slave [193] or the equivalent valuables needed for the payment. With the permission of the owner and accompanied by the ndonga he may make this payment. Nevertheless, he obtains no additional rights over the woman.

If one day the woman returns to the immediate family of the deceased, who are her "masters," the latter must make restitution to the common-law husband for these supplementary valuables and for all the payments he has made. If any stranger marries her by nkumbɔ́, the entire bride price is returned to the heirs of the deceased, who must reimburse the man who has acted as her husband for all the bride-price payments he has made.